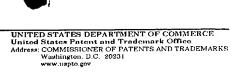


UNITED STATES PATENT AND TRADEMARK OFFICE



ATTORNEY DOCKET NO. CONFIRMATION NO. FIRST NAMED INVENTOR APPLICATION NO. FILING DATE 3611 10/02/2000 David A. Estell GC527C2 09/677,822 09/27/2002 7590 Susan Faris **EXAMINER** Genecor International Inc SAUNDERS, DAVID A 925 Page Mill Rd Palo Alto, CA 94304-1013 PAPER NUMBER ART UNIT 1644 DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | 154 of | a Q |
|--|---|---|------------------------|-------------|
| Office Action Summary | Examiner | (2-3) | | |
| | SAUND ENS | | Group Art Unit | |
| The MAILING DATE of this communication appears | on the cover sheet be | neath the co | rrespondence ac | idress |
| P riod for Reply | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO OF THIS COMMUNICATION. | EXPIRE | MONTH(S) | FROM THE MAIL | ING DATE |
| Extensions of time may be available under the provisions of 37 CFR 1.13 from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, such period shall, by default, ex Failure to reply within the set or extended period for reply will, by statute, | within the statutory minimu pire SIX (6) MONTHS from | ım of thirty (30) o the mailing date | days will be considere | ed timely. |
| Status | | | | |
| ☐ Responsive to communication(s) filed on | | | | • |
| ☐ This action is FINAL. | | | | |
| ☐ Since this application is in condition for allowance except for accordance with the practice under Ex parte Quayle, 1935 € | r formal matters, prose C.D. 1 1; 453 O.G. 213. | cution as to t | the merits is clos | ed in |
| Disp sition of Claims | | | | |
| Claim(s) 1, 4-13 29-30 | | is/are p | ending in the appl | ication. |
| Of the above claim(s) | | is/are withdrawn from consideration. | | |
| □ Claim(s) | | is/are a | llowed. | |
| □ Claim(s)———————————————————————————————————— | | is/are re | jected. | |
| □ Claim(s) | | is/are ol | ojected to. | |
| Claim(s) 4-13 29-30 | | are subj | ect to restriction o | r election |
| Application Papers | | requirer | nent. | |
| \square See the attached Notice of Draftsperson's Patent Drawing R | eview, PTO-948. | | | |
| ☐ The proposed drawing correction, filed on | | disapproved | | |
| ☐ The drawing(s) filed on is/are objected | to by the Examiner. | | | |
| ☐ The specification is objected to by the Examiner. | | | | |
| ☐ The oath or declaration is objected to by the Examiner. | | | | |
| Pri rity under 35 U.S.C. § 119 (a)-(d) | | | | • |
| □ Acknowledgment is made of a claim for foreign priority under □ All □ Some* □ None of the CERTIFIED copies of the □ received. | | | | |
| □ received in Application No. (Series Code/Serial Number)_ □ received in this national stage application from the Internal | | | ·• | |
| *Certified copies not received: | | | | |
| Attachment(s) | | | | |
| ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) |) | erview Summa | arv. PTO-413 | |
| ☐ Notice of Reference(s) Cit d, PTO-892 | | | l Patent Application | on, PTO-152 |
| ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 | | | | |
| Office Ac | ti n Summary | | - | |

U. S. Patent and Trademark Office PTO-326 (Rev. 9-97)

Part of Paper No. 13

Application/Control Number: 09/677,822

Art Unit: 1644

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1, 4-10 and 29-30 drawn to altered polypeptides that produce an increased immunogenic response, classified in class 435, subclass 183+ and class 530, subclass 350+.

II. Claims 11-13, drawn to nucleic acids, expression vectors and host cells, classified in class 435, subclasses 243+, 325+, 320.1 and class 536, subclass 23.1+x.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the polypeptides and nucleic acids of the different inventions have different properties and functions. Further, polypeptides with altered T-cell epitopes can be obtained without encoding such with a nucleic acid. For example, the T-cell epitopes can be altered by derivatization with PEG.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Art Unit: 1644

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Saunders, PhD whose telephone number is 703-308-3976. The examiner can normally be reached on Mon.-Thu., 8:00 am-5:30 pm and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 703-308-3973. The fax phone number for responses to restrictions is 703-305-3704. Use attached form.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

DAS September 26, 2002 DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT 182/644



RESTRICTION ELECTION FACSIMILE TRANSMISSION

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